

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

HP TUNERS, LLC, a Nevada limited
liability company,

Plaintiff,

v.

KENNETH CANNATA,

Defendant.

Case No.: 3:18-cv-00527-LRH-CSD

JUDGE LARRY R. HICKS'
ORDER REGARDING TRIAL

1. This case is schedule for bench trial before Judge Larry R. Hicks in Reno, Nevada, on **Monday, January 30, 2023, at 8:30 a.m.** in Courtroom 3.

2. Counsel for all parties and any pro se parties shall participate on **Thursday, January 12, at 2:30 p.m. in Reno Courtroom 3** before Judge Larry R. Hicks for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been accepted in a criminal case prior to the date schedule for Calendar Call.

4. **PRETRIAL CONFERENCE**. At the request of any party, or at the direction of the Court, a Pretrial Conference may be scheduled for any case. Requests by the parties should be made to the Courtroom Administrator by no later than the afternoon before Calendar Call.

5. **WITNESSES**. Counsel and any parties appearing pro se shall immediately subpoena all witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a

1 trailing fashion, the subpoenas should contain a special instruction from counsel directing
 2 witnesses to contact the office of counsel for further instructions prior to appearing for trial.

3 **6. FILING DUE DATE: Monday, January 23, 2023**

4 **COUNSEL FOR ALL PARTIES AND ANY PARTY APPEARING PRO SE SHALL**
 5 **COMPLY WITH THE FOLLOWING:**

6 a. **EXHIBITS.** Shall file their complete exhibit lists containing all exhibits that are
 7 intended to be used during the trial. At the same time, each party shall serve upon all other parties
 8 a copy of the same. Plaintiffs shall use numerals 1 through 500 and Defendants shall use numerals
 9 501 through 1,000. Exhibits that are on the same subject matter may be marked as a series, that is,
 10 Plaintiffs 1-A, 1-B, etc. and Defendants 501-A, 501-B, etc. The exhibits are to be listed on a form
 11 provided by the Clerk's Office or obtained from the Court's website www.nvd.uscourts.gov, and
 12 may be computer-generated if they conform to the requirements of the form that is provided by
 13 the clerk. The exhibit list shall be filed with the Clerk of the Court and a copy shall be provided to
 14 the Courtroom Administrator Paris Rich (Paris_Rich@nvd.uscourts.gov) in Word format. Counsel
 15 shall retain possession of their exhibits until such time as they are identified in open court;
 16 thereafter, the exhibits shall remain in the custody of the clerk unless otherwise ordered. The Court
 17 uses the Jury Electronic Recording System ("JERS"). The parties must provide the Courtroom
 18 Administrator with electronic media (e.g., CD, thumb drive, or hard drive) that contain images of
 19 all the exhibits counsel intend to use, in a format specified by the memorandum attached as
 20 Attachment 1 to this order.

21 b. **MARKING EXHIBITS.** Shall meet, confer, pre-mark and exchange all trial
 22 exhibits. Counsel shall notify the Courtroom Administrator that the exhibits have been pre-marked.

23 c. **WITNESS LISTS.** Shall file with the Clerk of the Court a list of witnesses
 24 expected to be called on behalf of each party for use by the Court.

25 d. **CIVIL CASES: TRIAL BRIEFS AND PROPOSED FINDINGS OF FACT**
 26 **AND CONCLUSIONS OF LAW.** Counsel shall file a Trial Brief in all civil cases. Trial briefs
 27 shall be served on all parties. Additionally, in all civil cases to be tried before the Court sitting
 28 without a jury, the parties shall submit proposed Findings of Fact and Conclusions of Law to

1 chambers by the forementioned Filing Due Date. The proposed Findings and Conclusions may be
2 submitted in Word format by email addressed to Kember Murphy@nvd.uscourts.gov.
3 Proposed Findings and Conclusions may be marked confidential and are not required to be served
4 upon opposing counsel.

5 7. **SANCTIONS**. Sanctions will be considered against any attorney or party appearing
6 pro se who fails to timely comply with schedule deadlines for trial preparation or calendar call.
7 Among other sanctions, untimely filings lacking written good cause shown for the untimeliness
8 may be stricken.

9 8. **MOTIONS IN LIMINE**.

10 a. In civil cases, all motions in limine and oppositions thereto shall comply with LR
11 16-3. Replies will be allowed only with leave of the court.

12 b. **Motions in limine will not be considered unless the movant attaches a**
13 **statement certifying that the parties have participated in a meet-and-confer process and have**
14 **been unable to resolve the matter without court action.**


15 9. **USE OF EVIDENCE DISPLAY EQUIPMENT**: Counsel wishing to use the Court's
16 evidence display equipment must contact the Courtroom Administrator during the week before
17 trial to determine its capability and availability for use at trial.

18 10. **TRIAL JUDGE**. Although the cases listed on the attached trial calendar are assigned
19 to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting
20 district judge.

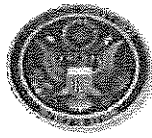
21 11. **CONTACT PERSON**. All questions and information regarding the trial calendar are
22 to be directed to Paris Rich, Courtroom Administrator, at (775) 686-5827 or
23 Paris Rich@nvd.uscourts.gov.

24 12. The date of the Clerk's file mark shall constitute the date of this Order.

25 **IT IS SO ORDERED.**

26
27 
28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

ATTACHMENT 1



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OFFICE OF THE CLERK

LLOYD D. GEORGE U.S. COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
(702) 464-5400

DEBRA K. KEMPI
CLERK OF COURT

BRUCE R. THOMPSON U.S. COURTHOUSE
400 SOUTH VIRGINIA STREET
RENO, NEVADA 89501
(775) 686-5800

VICENTE S. ANGOTTI
CHIEF DEPUTY, LAS VEGAS

LIA GRIFFIN
DIVISION MANAGER, RENO

JURY EVIDENCE RECORDING SYSTEM (JERS)

The United States District Court for the District of Nevada, is implementing the JERS system that allows evidence admitted during trial to be viewed electronically by the jurors during their deliberation. JERS provides easy, access to evidence during the deliberations through the use of a touch screen monitor in the jury room.

Attorneys of record will be given an opportunity to review the exhibits at the conclusion of testimony and evidence. Court personnel, at the Judge's direction, will release exhibits to the jury as deliberations begin.

JERS has the ability to:

- Store all exhibits submitted prior to trial, and then designate just those admitted into evidence;
- Capture, through the courtroom's presentation equipment, exhibits that were not submitted prior to trial but are later admitted by the court;
- Print a list of exhibits, by exhibit number and description, that will be released to the deliberating jury; and
- Restrict how the jury may review the exhibit: Audio Only, Video Only, and Zoom Off (Zoom Off restricts the jury from enlarging an exhibit on the touch screen in the deliberation room).

Submitting Exhibits

Counsel shall submit all proposed exhibits on a DVD-R, CD, or USB Flash Drive (storage device) as directed by the court. The disc or drive shall be labeled with the title of the case and the name of the party for whom the exhibits are submitted. A hard copy of the party's exhibits list that includes the electronic file name for each exhibit shall be submitted with the storage device. Unless otherwise directed by the court, the storage device will not be returned to counsel. Parties shall be prepared to submit hard copies of any exhibits admitted during trial.

There are two ways for attorneys to submit exhibits:

Method one: each exhibit file should be clearly named as in the examples below, using this format: **exhibit number_exhibit description.file extension**, or, if an exhibit has sub-parts, **exhibit number-exhibit subpart_exhibit description.file extension**. All exhibits must be in the same folder or directory.

For example:

- 1-a_photo of store from east view.jpg
- 1-b_photo of store from west view.jpg
- 2_camera footage.wmv
- 3_contract.pdf

Method two: law firms using exhibit management software may submit (on a storage device) exhibits exported using an indexed filename method with a text delimited file naming the exhibits. The text file must be named "Exhibits.txt" and each line must contain information using the this format: **exhibit number-optional subpart|exhibit description|exhibit file name**. The "exhibits.txt" file must be in the same folder or directory as all the exhibits.

For example:

- 001-001|Photo of bank|GX001.pdf
- 002-001|Camera footage|GX002.wmv

Exhibit File Types

JERS will accept electronic evidence only in the following formats as other types cannot be uploaded:

- Documents and Photographs: .bmp, .gif, .jpg, .pdf, .tif
- Video and Audio Recordings: .avi, .mpg, mp3, .wav, .wma, .wmv

****Each PDF file may not be larger than 12MB. Hyphens and underscore characters must be used as shown in the examples above.**

Questions regarding this system may be directed to the presiding judge's courtroom administrator.